UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, ILLINOIS 60604

DATE:

SUBJECT: **ACTION MEMORANDUM** - Change of Project Scope for Non-Time-Critical Removal Action at Master Metals, Inc., Cleveland, Ohio

FROM: Gwendolyn S. Massenburg, Remedial Project Manager
Remedial Response Branch, Section IV

TO: William E. Muno, Director
Superfund Division

THRU: Richard Karl, Chief
Emergency Response Branch

I. PURPOSE

The purpose of this Action Memorandum is to request and document a change in the scope of the non-time-critical Removal Action for the Master Metals, Inc., Superfund Site. The remedy in the original Action Memorandum, signed on September 30, 1999, was a soil cover cap with a geomembrane partition. This request is for an asphalt cap, an equivalently protective remedy that more fully supports the proposed reuse of the site but at additional cost.

The Master Metals site is a former secondary lead smelter (Master Metals, Inc.) and nearby residential properties (Holmden Avenue) where lead bearing materials were deposited as fill. This action is necessary to abate an imminent and substantial threat to public health and the environment posed by the presence of lead contaminated surface soils outside the fence line of the Master Metals facility. This removal action is recommended to expeditiously reduce the actual or potential exposure of nearby human populations to hazardous substances from the site.

The action is expected to result in removal of lead contaminated materials exceeding risk-based levels which present a threat to trespassers and activities adjacent to the site. The lead contaminated materials will be treated, consolidated and contained on-site. Due to the availability of at least a six month planning period before site activities must begin, the proposed action would be a non-time-critical removal.

II. SITE CONDITIONS AND BACKGROUND

The most recent Action Memo (Attachment 1) dated September 30, 1999, contains a description of site conditions and background information prior to the request from the City of Cleveland's Economic Development Office to facilitate the reuse of the Master Metals facility property by the Northern Ohio Lumber and Timber Company (NOLTCO). U.S. EPA , Ohio EPA and the lead PRP representative participated in several meetings with the City of Cleveland's Economic Development Office and NOLTCO to discuss reuse of the property. The former property owner is deceased and there are several real estate issues involving back taxes for the property which must be resolved before this prospective purchaser will acquire the property.

On June 2, 2000, U.S. EPA issued a comfort letter (Attachment 2) to the City of Cleveland, stating that U.S. EPA would not consider the City to be an owner/operator of the Master Metals facility property if the City's only connection to the facility property was acquiring the property as "nonproductive land," in accordance with an ordinance adopted pursuant to Chapter 5722 of the Ohio Revised Code. The City of Cleveland contemplated acquiring the facility property in this fashion and transferring that property to NOLTCO. NOLTCO is in the process of completing a prospective purchaser agreement with U.S. EPA, which would provide some liability protection to NOLTCO under the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 et seq.

NOLTCO has documented its intent to acquire the property from the City of Cleveland (Attachment 3). Although the responsible parties and NOLTCO have not finalized all details, the scope changes have been conceptually identified. NOLTCO is aware that any additional cost associated with the change in the original removal action remedy is its sole responsibility. Therefore, an agreement between NOLTCO and the lead PRP states that the PRP will assume the additional cost in exchange for NOLTCO's willingness to assume the long-term maintenance obligations. NOLTCO and the lead PRP will continue to work out the exact allocations of the additional cost.

Due to NOLTCO's needing to relocate its business by June 2001, a contingency is associated with this Action Memo. In the event that the transfer of the property to NOLTCO is not expedited in a timely fashion, this change of scope will be invalid and the original removal action remedy will be constructed at the Master Metals facility.

III. THREAT TO PUBLIC HEALTH OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

Please refer to Section III in the most recently approved Action Memorandum (Attachment1).

IV. ENDANGERMENT DETERMINATION

Please refer to Section IV in the most recently approved Action Memorandum (Attachment1).

V. PROPOSED ACTIONS AND ESTIMATED COSTS

Based on the remedial objectives established in the EE/CA, U. S. EPA identified and analyzed four removal action alternatives. The alternatives emphasized perimeter excavation of surface contamination and "cap and containment" integrity to focus on eliminating inhalation and ingestion exposure pathways. These alternatives included a "no action alternative" for baseline comparison. Subsequently, U. S. EPA evaluated each alternative for effectiveness, implementability, and cost. U.S. EPA has reviewed the new proposed action and determined that it is as protective as the original remedy, though more expensive.

A. Proposed Action Description

U.S. EPA selected the original removal activities in an Action Memorandum approved on September 30, 1999. The following removal activities are requested in this Action Memorandum; changes from the original remedy are bolded.

1. Excavation of perimeter contaminated soils outside the Master Metals facility property.

2. Backfill excavated areas with clean fill.

3. Consolidate contaminated soils on the property.

4. **Cover the contaminated areas with an asphalt cap**.

5. Operate and maintain the cover for thirty years.

6. Obtain deed restrictions to minimize potential exposure to contaminated soil.

Off-property perimeter contaminated soils will be excavated to 1,000 mg/kg or until the original historical slag fill deposited in this area in the 1900s is encountered, depending upon which is encountered first. The material will be tested to determine if treatment is required prior to consolidation on site. Any hazardous waste generated will be treated below land disposal requirements. Off-property perimeter excavation of the contaminated soil will require clearing, grubbing, removal and replacement of the entire site fencing.

The off-property perimeter areas will extend outward from the eastern, western, and southern boundary lines of the property. The off-property perimeter areas will extend outward as follows: the eastern and southern off-site perimeter areas extend from the property lines and end at the existing concrete curb of West Third Street; the western off-site perimeter area will extend outward from the property line and end where there is visual evidence of the manufacturing operations between the facility property and the eastern edge of the adjoining railroad spur. The perimeter excavated areas will be backfilled with clean soil and revegetated. Care will be taken to ensure proper drainage to eliminate any run-off onto, or from, the property.

On the property, all areas excavated or subgraded will be backfilled to grade. A geotextile membrane will be placed between the contaminated material and the clean fill to prevent mixing of the materials. All excavated perimeter materials will be consolidated on the property **or**

taken to a solid waste landfill. All contaminated areas will be covered with an asphalt cap. Only the most severely deteriorated portions of the property will encompass the cover system; **this includes the open pits and sumps.** See Attachment 5, Figure 4.2 for an approximate location of the cap system.

Prior to the start of any of these activities, the following plans will have to be developed and will have to be approved by the U.S. EPA:

1. Site health and safety plan, including but not limited to, air monitoring and dust control procedures;

2. Site security plan;

3. Remedial design plan;

4. Site sampling plan for confirmation sampling for the concentration of lead found in the soil to determine if treatment is necessary and perform the toxicity characteristic leaching procedure (TCLP) parameters, including the Quality Assurance Project Plan (QAPP) for the sampling

5. Treatability Study Work plan for solidification method if on-site solidification treatment will be performed to satisfy the Land Disposal Restrictions.

B. Estimated Costs

The estimated costs for the original non-time-critical removal action are summarized as follows:

Direct Capital Costs	$467,440
Indirect Capital Costs	$60,000
Operation & Maintenance	$9,600
Total Costs	$537,040

The estimated costs for the new non-time-critical removal action are summarized as follows:

Direct Capital Costs	$656,240
Indirect Capital Costs	$65,000
Operation & Maintenance	$133,900
Total Costs	$855,140

C. Applicable or Relevant and Appropriate Requirements (ARARs)

All applicable or relevant and appropriate requirements (ARARS) of Federal and State law will be complied with to the extent practicable, considering the exigencies of the situation, pursuant to 40 C.F.R. § 300.415(i). In order for the excavated perimeter soil not to be considered

"hazardous waste" as defined in the Ohio Administrative Code (OAC) 3745-51-03, and thus not "waste" as defined in OAC 3745-51-02, the PRPs must treat the excavated perimeter soil that does not pass the TCLP to the applicable Land Disposal Restriction Standard. All treatment must be performed in tanks and containers as required by the Ohio EPA's Division of Hazardous Waste Management (DHWM).

VI. CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED

Delayed action or inaction may result in an increased likelihood of ingestion and inhalation threat to human populations working at or near the site.

VII. OUTSTANDING POLICY ISSUES

Development of the soil lead cleanup level is consistent with other lead sites and the biokinetic uptake model using the latest U.S. EPA guidance.

VIII. ENFORCEMENT

A total of 53 PRPs entered into an administrative order on consent under Section 106 of CERCLA to perform a time-critical removal action; an initial non-time-critical removal action; and the Engineering Evaluation/Cost Analysis (EE/CA). This order included the demolition and removal of the former Master Metals facility and all waste material associated with the operation. U.S. EPA will now provide the PRPs the opportunity to enter into an administrative order on consent to complete this non-time critical removal action.

U.S. EPA will send the State of Ohio an invitation to attend negotiations between U.S. EPA and the PRPs when U.S. EPA mails the PRPs the draft administrative order on consent to conduct the non-time critical removal at this site.

IX. RECOMMENDATION

This decision document represents the selected removal action for the Master Metals site, located in Cleveland, Ohio, developed in accordance with CERCLA, as amended by SARA, and is not inconsistent with the National Contingency Plan, 40 C.F.R. Part 300. This decision is based upon the Administrative Record for this site. Conditions at the site meet the National Contingency Plan's criteria for a removal action, 40 C.F.R. § 300.415(b)(2), and I recommend your approval of the proposed removal action.

Approve:_____ _____
William E. Muno, Director Date
Superfund Division

Disapprove:_____ _____
William E. Muno, Director Date
Superfund Division

ATTACHMENTS

1. Original Action Memorandum Approved September 30, 1999 with the original and update number one to the Administrative Record Index.

2. June 5, 2000, Comfort letter to the City of Cleveland for the Acquisition of Master Metals, Inc. Superfund Site Cleveland Ohio as "Nonproductive Land ."

3. June 6, 2000, NOLTCO's proposal for the acquisition and redevelopment of the Master Metals Superfund Site to the City of Cleveland's Community Development Department.

4. Conceptual Site Plan for the original remedy Figure 4-1.

5. Conceptual Site Plan for the original remedy Figure 4-2.

6. Update # Two Administrative Record Index .

cc: Sheila Abraham, Ohio EPA/DERR
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